IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 17091 of 2007(I)

PETITIONER:

DR. N.DEVADASAN,
CHIEF MEDICAL OFFICER (AYURVEDA),
A.V.M. GOVT. AYURVEDA HOSPITAL,
IRINJALAKKUDA, THRISSUR DISTRICT.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR
SRI.S.PRASANTH (AYYAPPANKAVU)

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDIAN SYSTEMS OF
MEDICINE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.17091 OF 2007-I

Judgment

The petitioner is a Chief Medical Officer (Ayurveda),working under the respondents. His turn for promotion to the post of DMO (ISM) has arisen. Since the DPC was not being convened and the claim of eligible incumbents for promotion was not being considered, the petitioner preferred Ext.P4 representation on 14.12.2006. So far, no decision has been taken on it. Relying on Exts.P5 and P6, the petitioner submits that he is liable to be provisionally promoted to the above post as he is due to retire from service on 30.11.2007. It is also pointed out that he is Rank No.2 in the seniority list, awaiting promotion. At present, there are 13 vacancies in the post of DMO (ISM), it is submitted. The learned Government Pleader upon instruction, submitted that Ext.P4 is received and pending. The 1st respondent is directed to take a decision on Ext.P4 in accordance with law within six weeks from the date of receipt of a copy of this Judgment. If for any reason, the DPC could not be convened and the claim of the petitioner for regular promotion could not be considered before 30.09.2007, his claim shall be considered under Rule 31 of the KS & SSR, within two weeks thereafter, taking note of the fact that he is retiring from service on 30.11.2007.

The Writ Petition is disposed of as above.

25.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta